

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE

Call to Order: Chair Krayton Kerns, on February 15, 2011 at 3:00 PM, in Room 472
Capitol

ROLL CALL

Members Present:

Rep. Krayton Kerns, Chair (R)
Rep. Bob Wagner, Vice Chair (R)
Rep. Joanne G. Blyton (R)
Rep. Christy Clark (R)
Rep. Lila Walter Evans (R)
Rep. Alan Hale (R)
Rep. Brian Hoven (R)
Rep. Carolyn Pease-Lopez (D)
Rep. Lee Randall (R)
Rep. Joe Read (R)
Rep. Sterling Small (R)
Rep. Frank Smith (D)

Members Excused: None

Members Absent: Rep. Timothy Furey, Vice Chair (D)
Rep. Edith (Edie) McClafferty (D)
Rep. Pat Noonan (D)
Rep. Steve Fitzpatrick (R)
Rep. Kathleen Williams (D)
Rep. David Howard (R)
Rep. Margaret (Margie) MacDonald (D)
Rep. Jonathan McNiven (R)
Rep. Daniel R. Salomon (R)

Staff Present: Dave Bohyer, Legislative Branch
Lauren Head, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 471, 2/14/2011; HB 469, 2/14/2011; HB 497, 2/14/2011; HB 498, 2/14/2011; HB 499, 2/14/2011

Executive Action: HB 329, HB 498, HB 471, HB 469, HB 499

00:01:53 Rep. Williams joined the meeting.

HEARING ON HB 471

Opening Statement by Sponsor:

00:02:11 Rep. Dan Kennedy (R), HD 57, opened the hearing on HB 471, Generally revise fish, wildlife, and parks laws.

Proponents' Testimony: None

Opponents' Testimony: None

00:03:00 Ben Lamb, Conservation Director, Montana Wildlife Federation (MWF)

EXHIBIT(agh37a01)

00:03:46 Rep. MacDonald joined the meeting.

00:03:57 Bob Lynn, Chief Legal Council, Fish, Wildlife, and Parks (FWP)

00:05:52 Rep. Fitzpatrick joined the meeting.

00:06:08 Rep. McClafferty joined the meeting.

Informational Testimony: None

Questions from Committee Members and Responses:

00:09:10 Chairman Kerns

Closing by Sponsor:

00:09:12 Rep. Kennedy

HEARING ON HB 498

Opening Statement by Sponsor:

00:09:32 Rep. Gary MacLaren (R), HD 89, opened the hearing on HB 498, Clarifying irrigation district voting and petition requirements for bonding.

Proponents' Testimony:

00:10:23 Mike Murphy, Montana Water Resources Association (MWRA)

00:11:41 John Crawley, Manager, Bitterroot Irrigation District
00:12:29 Paul Barteni, Manager, Daily Ditches Irrigation District
00:13:14 Jim Foster, Manager, Helena Valley Irrigation District

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

00:14:25 Rep. McClaren

HEARING ON HB 469

Opening Statement by Sponsor:

00:14:51 Rep. Christy Clark (R), HD 17, opened the hearing on HB 469, Clarify and simplify name of livestock loss reduction and mitigation board.

Proponents' Testimony:

00:15:44 John Youngburg, Montana Farm Bureau Federation (MFBF)

Opponents' Testimony: None

Informational Testimony:

00:16:16 Eliane Allestad, Chairman, Livestock Loss Reduction and Mitigation Board (LLRMB)
00:16:56 George Edwards, Livestock Loss Coordinator, LLRMB

Questions from Committee Members and Responses: None

Closing by Sponsor:

00:17:27 Rep. Clark

HEARING ON HB 499

Opening Statement by Sponsor:

00:17:46 Rep. Christy Clark (R), HD 17, opened the hearing on HB 499, Impartiality of water commissioners subject to judicial review.

Proponents' Testimony: None

Opponents' Testimony:

00:20:21 Krista Lee Evans, Association of Gallatin Agricultural Irrigators (AGAI)
00:20:50 Rep. Noonan joined the meeting.
00:22:06 Lezie Kinne, Water Commissioner, Willow Creek Water Storage Project,
Cataract Water Users, Montana Dam and Canal Association

EXHIBIT(agh37a02)

Informational Testimony: None

Questions from Committee Members and Responses:

00:24:07 Rep. Randall
00:24:47 Rep. Clark
00:26:02 Rep. Randall
00:26:17 Rep. Clark
00:26:43 Vice Chair Wagner
00:27:20 Ms. Kinne
00:28:38 Vice Chair Wagner
00:29:15 Ms. Kinne
00:29:56 Vice Chair Wagner
00:30:07 Ms. Kinne
00:30:13 VC Wagner
00:30:26 Ms. Kinne
00:31:07 Rep. Williams
00:31:48 Rep. Clark
00:32:05 Rep. Williams
00:32:23 Rep. Clark
00:33:15 Rep. Williams
00:33:22 Rep. Clark

Closing by Sponsor:

00:34:31 Rep. Clark

HEARING ON HB 497**Opening Statement by Sponsor:**

00:35:04 Rep. Christy Clark (R), HD 17, opened the hearing on HB 497, Revise right to appropriate water by permit.

Proponents' Testimony:

00:35:45 Mike Murphy, MWRA
00:38:38 Bob Hardin, Manger, Greenfields Irrigation District

EXHIBIT(agh37a03)

00:39:31 Rep. Small left the meeting.

00:40:34 Krista Lee Evans, AGAI
 00:41:17 John Youngburg, MFBF
 00:41:29 Bill Hritcso, Water Rights Attorney, Dillon

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:45:12 Rep. Williams
 00:45:44 Mr. Hritcso
 00:45:57 Rep. Williams
 00:46:08 Mr. Hritcso
 00:46:25 Vice Chair Wagner
 00:46:34 Mr. Hritcso
 00:47:17 Vice Chair Wagner
 00:47:52 Mr. Hritcso
 00:48:36 Vice Chair Wagner
 00:48:58 Mr. Hritcso
 00:49:16 Rep. Smith
 00:49:50 Mr. Hritcso
 00:50:52 Rep. MacDonald
 00:51:22 Mr. Murphy
 00:51:53 Rep. Hale
 00:52:15 Mr. Hritcso
 00:52:41 Rep. Randall
 00:53:14 Ms. Evans
 00:53:25 Rep. Fitzpatrick
 00:53:51 Mr. Hritcso
 00:53:54 Rep. Fitzpatrick
 00:54:17 Mr. Hritcso

Closing by Sponsor:

00:55:16 Rep. Clark
 00:56:21 Chairman Kerns
 00:56:48 Rep. Small rejoined the meeting.
 00:57:08 Rep. Hoven
 00:57:15 Chairman Kerns

EXECUTIVE ACTION ON HB 329

00:57:23 **Motion:** Rep. Wagner moved that **HB 329 DO PASS.**

Discussion:

00:57:34 Rep. Clark

00:57:49 **Substitute Motion/Vote:** Rep. Clark made a substitute motion that **HB 329 BE TABLED.** Substitute Motion carried unanimously by voice vote of members present. Rep. Furey, Rep. Howard, Rep. McNiven, Rep. Salomon, and Rep. Williams were absent and did not vote.

EXECUTIVE ACTION ON HB 498

00:58:15 **Motion:** Rep. Wagner moved that **HB 498 DO PASS.**

Discussion:

00:58:47 Rep. Blyton

00:59:16 Chairman Kerns

00:59:22 Mr. Murphy

00:59:58 Chairman Kerns

01:00:17 **Vote:** Motion carried 19-0 by voice vote. Rep. Howard, Rep. McNiven and Rep. Salomon voted by proxy. Rep. Furey and Rep. Williams were absent and did not vote.

EXECUTIVE ACTION ON HB 471

01:00:53 **Motion:** Rep. Wagner moved that **HB 471 DO PASS.**

Discussion:

01:01:13 Rep. Hoven

01:01:43 Rep. MacDonald

01:02:18 **Vote:** Motion carried 12-8 by roll call vote with Rep. Fitzpatrick, Rep. Hoven, Rep. MacDonald, Rep. McClafferty, Rep. Noonan, Rep. Pease-Lopez, Rep. Smith and Rep. Williams voting no. Rep. Howard, Rep. McNiven, Rep. Salomon and Rep. Williams voted by proxy. Rep. Furey was absent and did not vote.

EXECUTIVE ACTION ON HB 469

01:04:00 **Motion/Vote:** Rep. Wagner moved that **HB 469 DO PASS.** Motion carried 19-0 by voice vote. Rep. Howard, Rep. McNiven and Rep. Salomon voted by proxy. Rep. Furey and Rep. Williams were absent and did not vote.

EXECUTIVE ACTION ON HB 499

01:04:51 **Motion:** Rep. Wagner moved that **HB 499 DO PASS.**

Discussion:

01:05:05 Rep. Clark
01:05:47 Chairman Kerns
01:06:12 Rep. Smith
01:06:35 Rep. Randall
01:07:16 Rep. Blyton
01:08:23 Rep. Clark
01:08:45 Vice Chair Wagner
01:08:59 Rep. Clark
01:10:03 Vice Chair Wagner
01:10:20 Rep. Clark
01:10:44 Rep. Pease-Lopez
01:11:08 Ms. Evans
01:12:13 Rep. Furey joined the meeting
01:12:19 Rep. Hoven
01:13:01 Rep. Clark
01:13:59 Rep. Fitzpatrick
01:14:55 Rep. Smith
01:15:17 Rep. Clark

01:15:30 **Vote:** Motion failed 8-13 by roll call vote with Rep. Blyton, Rep. Clark, Rep. Evans, Rep. Hale, Rep. Hoven, Rep. Noonan, Rep. Small and Rep. Smith voting aye. Rep. Howard, Rep. McNiven and Rep. Williams voted by proxy.

01:16:54 **Motion/Vote:** Rep. Wagner moved that **HB 499 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote.

01:17:21 Rep. MacDonald
01:17:28 Chairman Kerns

ADJOURNMENT

01:17:47 Adjournment

Lauren Head, Secretary

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Additional Exhibits:

[EXHIBIT\(agh37a04\)](#)

Additional Documents:

[EXHIBIT\(agh37aad.pdf\)](#)